

REMARKS

Reconsideration and allowance of the subject application are respectfully requested.

Claims 1-8 are all the claims pending in the application. In response to the Office Action, Applicant respectfully submits that the claims define patentable subject matter.

Claims 1, 4, 5, 7, and 8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over previously cited Hirsch (U.S. Patent Application Publication No. 2003/0162537) in view of newly cited Schuetze et al. (U.S. Patent No. 6,101,320, hereafter “Schuetze”). Claims 2 and 6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hirsch in view of Schuetze and further in view of Lucas et al. (U.S. Patent Application Publication No. 2005/0278710, hereafter “Lucas”). Claim 3 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Hirsch in view of Schuetze and further in view of newly cited Rubenstein et al. (U.S. Patent No. 6,757,373, hereafter “Rubenstein”). Applicant respectfully traverses the prior art rejections.

The Examiner alleges that Hirsch discloses all of the features of independent claim 1 and analogous independent claim 5, except for “identifying at said mediation server a change in used data exchange format from a first used data exchange format to a second identified data exchange format; and dynamically switching from said used first data exchange format to said second identified data exchange format”, as recited in the claims. The Examiner thus relies on Schuetze to allegedly cure this conceded deficiency. Applicant respectfully disagrees with the Examiner’s position.

First, Applicant respectfully submits that there is no teaching or suggestion in Hirsch of network elements communicating with an Operation and Maintenance Center of said cellular communication network by sending data having a data exchange format, as recited in

independent claim 1. The Examiner cites FIG. 1, OMCs, management center NMC, and paragraphs [0004-0006 and 0034] of Hirsch as allegedly disclosing this feature of the claim. Applicant respectfully disagrees with the Examiner's interpretation of Hirsch.

Paragraphs [0004]-[0006] of Hirsch merely discloses the administration of the network elements of a telecommunications network. Paragraph [0034] merely discloses that an operation and maintenance center (OMC) communicates with a base station subsystem (BSS), and performs configuration management which defines a number of services which enable the structure of the network to be changed, and the behavior of the network to be changed by an operator. Nowhere does Hirsch disclose that the BSS sends data having a data exchange format to the OMC.

The Examiner also asserts that Hirsch discloses that the data exchange format is translated in an OMC specific data format at a mediation server, and again cites FIG. 1, OMCs, management center NMC and paragraphs [0004-0006 and 0034] as allegedly disclosing this feature of the claim. Again, Applicant respectfully disagrees with the Examiner's position.

Applicant respectfully submits that there is simply no disclosure in Hirsch of a mediation server within the OMC as required by claim 1. Hirsch merely discloses that the OMC performs configuration management which enables the structure of the network to be changed (paragraph [0034]). Nowhere does Hirsch disclose network elements communicating with an Operation and Maintenance Center of the cellular communication network by sending data having a data exchange format, the data exchange format being translated in an Operation and Maintenance Center specific data format at a mediation server, as required by independent claim 1.

As discussed above, the Examiner acknowledges that Hirsch fails to teach or suggest “identifying at said mediation server a change in used data exchange format from a first used data exchange format to a second identified data exchange format; and dynamically switching from said used first data exchange format to said second identified data exchange format”, as recited in claims and 5. The Examiner thus relies on Schuetze to allegedly overcome this deficiency and submits that it would have been obvious to combine these references. Again, Applicant respectfully disagrees with the Examiner’s position.

Schuetze generally relates to a system for exchanging electronic mail between different organizations which have dissimilar email systems (column 2, lines 61-65). The system determines the email format used by a recipient organization and converts the email into the recipient’s format from the identity of the recipient’s organization in the email sent from a sending organization and converts the email into the recipient’s format (the Abstract). The recipient’s format is determined by searching for information regarding the recipient’s organization in internal and external databases (the Abstract).

Applicant respectfully submits that Schuetze has no relevance to the instant invention.

First, the system of Schuetze is used to allow one network (sender organization 12) to communicate with another network (recipient organization 14), by converting email from a sender’s format to the recipient’s format, contrary to the present invention, which is directed to communications within a cellular or mobile communication system, and to a “method for providing service management to network elements of a communication network,” wherein the network elements communicate with an Operation and Maintenance Center of the

communication network. Accordingly, Schuetze focuses on communications between plural communications networks.

Secondly, Schuetze does not teach or suggest identifying a change in data format from a first used data format to a second identified data format, as required by the claims. In Schuetze, if an organization sends email in a particular email format, such as MS MAIL, the organization will connect to the system 10 and through an exchanger which can receive and send mail in MS MAIL format (column 5, lines 8-28). A routing unit then determines the recipient's format from the identity of the recipient's organization and routes the email through a gateway 30 to a mail exchanger 22 which can receive and send email in the recipient's format.

However, Schuetze does not teach or suggest identifying a change in used data format from a used data for to a second identified data format and then dynamically switching from the used data format to the identified data format, as required by the claims. In Schuetze, the email format for an organization which uses MS MAIL would remain as MS MAIL, therefore, Schuetze cannot disclose “identifying a change in used data format”, as required by the claims.

Applicant further notes that the Examiner has not indicated how the claimed first used data exchange format and the claimed identified second data exchange format read on the cited reference

With respect to claim 4, Applicant respectfully submits that there is no teaching or suggestion in the cited reference that “data exchanged between at least one of said network elements and said Operation and Maintenance Center contains a new software version download from the Operation and Maintenance Center to said at least one of said network elements”, as

recited in the claim. The Examiner cites column 6, lines 17-46 of Schuetze as allegedly disclosing this feature of the claim. However, this cited portion of Schuetze merely discloses that if the routing unit does not locate the recipient organization among the plural organizations stored in a memory unit, the routing unit searches external databases for information regarding the recipient organization and downloads the information regarding the electronic format used by the recipient organization from the external databases to the system 10. Nowhere does this cited portion (or any other portion) of Schuetze disclose that "a new software version [is] download[ed] from the Operation and Maintenance Center to said at least one of said network elements", as required by the claim.

Further, Lucas and Rubenstein do not cure the deficiencies of Hirsch and Schuetze.

Accordingly, Applicant respectfully submits that independent claims 1 and 5 should be allowable because the cited reference do not teach or suggest all of the features of the claims. Claims 2-4 and 6-8 should also be allowable at least by virtue of their dependency on independent claims 1 and 5.

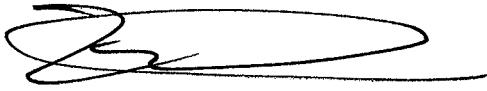
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

RESPONSE UNDER 37 C.F.R. § 1.116
U.S. Appln. No.: 10/609,633

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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